

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

C.H.,

Plaintiff,

v.

**PATRICK HOWARD, DANA CRITCHLOW,
GREGORY A. EWING, and
LAS CRUCES PUBLIC SCHOOLS,**

Defendants,

and

TEACHERS INSURANCE COMPANY,

Plaintiff-in-Intervention,

v.

C.H. and PATRICK HOWARD,

Defendants-in-Intervention.

**No. 21-cv-0574 MV/SMV
consolidated with
20-cv-0190 SMV/GBW
20-cv-0276 GBW/SMV
20-cv-0549 SMV/GBW**

ORDER

THIS MATTER is before the Court on Plaintiff's Motion to Compel Defendant Las Cruces Public Schools' Answers and Responses to Plaintiff's First Sets of Interrogatories, Requests for Production, Requests for Admission, and Requests for Inspection (the "Motion"). [Doc. 104]. The Court will hear oral argument on Plaintiff's Motion on June 30, 2022, at 10:30 a.m. MDT.

Plaintiff states in her Motion that LCPS responded to some of Plaintiff's interrogatories, requests for production, and requests for inspection after Plaintiff sent a Rule 37 letter modifying and/or clarifying some of her requests. However, it is unclear from the Motion which of Plaintiff's

requests remain disputed, and which have been resolved by LCPS's responses. Some of the confusion arises because, in its responses, LCPS did not state whether it is withholding any documents in its possession or control based on its initial objections to Plaintiff's requests. *See* Fed. R. Civ. P. 34(b)(2)(C) (requiring an objection to "state whether any responsive materials are being withheld on the basis of [an] objection").

The Court wishes to avoid spending time preparing for oral argument on issues that have been resolved. The Court will, therefore, order Defendant to file a paper affirmatively stating, for each request to which it objected, whether it has withheld any documents in its possession or control based on its objections to the request. *Id.*

In addition, the Court will require Plaintiff, after considering LCPS's statement, to file a paper listing each interrogatory and request identified in its Motion that is still in dispute.

IT IS THEREFORE ORDERED, ADJUDGED, and DECREED that, no later than **5:00 p.m. on Monday, June 27, 2022**, LCPS must file a paper affirmatively stating, for each request to which it objected, whether it has withheld any documents in its possession or control based on its objections to the request.

IT IS FURTHER ORDERED that Plaintiff must file, no later than **12:00 noon on Tuesday, June 28, 2022**, a paper listing each interrogatory and request identified in its Motion that is still in dispute.

IT IS SO ORDERED.



STEPHAN M. VIDMAR
United States Magistrate Judge